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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,031	03/08/2001	Toshihisa Satake	01 -202	2801

7590

08/13/2003

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/802,031

Applicant(s)

SATAKE, TOSHIHISA

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. The Substitute Specification and formal drawings filed in Papers No. 3 and 6, May 16, 2001 and July 5, 2001 have been received, however, the applicant fails to include a statement that the substitute specification contains no new matter. Note that, the applicant must submit this statement in compliance with 37 CFR 1.125.

Currently, claims 1-9 are pending in the application. Acknowledgment has been made.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps of claims 1-5, 8, and 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **Figure 9, Figure 10, opponent's combat element S2, case (A), and case (B)** as described in the specification (pages 26-29). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or

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corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**M1**" has been used to designate **small regions**, **advantageous small regions**, **disadvantageous regions**, and **opponent's combat elements** (pages 21-24); and the reference character "**S1**" has been used to designate **player's combat elements**, **opponent's combat elements**, **small region**, and **other regions** (pages 25-26). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "**M1**" and "**S1**" have both been used to designate **small regions** (page 25). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised

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carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: **combat elements S1, S1 (page 25, line 1); other small regions S1, S1, ...(page 25, lines 6-7); player's combat elements S1, S1 (page 25, lines 20-21); opponent's combat elements S1, S1 (page 25, line 21); opponent's combat element S2 (page 26, line 8); small regions M1, M1, ... (page 21, line 20), advantageous small regions M1, M1, ... (page 21, line 23); disadvantageous regions M1, M1, ... (page 21, line 24); opponent's combat elements M1, M1, ... (page 22, line 12).**

7. The disclosure is objected to because of the following informalities:

On page 28, line 26, the word "solider" should be changed to "soldier".

Appropriate correction is required.

8. Claim 5 is objected to because of the following informalities:

In claim 5, line 2, the recited term "predetermined three-dimensional filed" should be changed to "predetermined three-dimensional field". Appropriate correction is required.

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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10. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program of claim 8 is non-statutory. See MPEP 2106, Part IV, B, 1(a). Note that, the applicant may amend the claim to be statutory by inserting language stating that the computer program is encoded on a computer-readable medium.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (4,952,922) in view of Itai et al. (5,880,709).

Griffin et al. teaches a game method, apparatus, or storage medium having readable program code means therein for determining specified object position, comprising: generating map data (or means thereto) to display a map image on a display of the game apparatus, the map image two-dimensionally expressing a corresponding three-dimensional map which includes information representing a predetermined three-dimensional field; virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a peripheral edge of the

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three-dimensional map; projecting the predetermined viewpoint onto the three-dimensional map via a position of the cursor displayed on the map image (Figures 3a-7b and column 1, line 57 to column 7, line 44); and detecting a point on the three-dimensional map where the projected viewpoint intersects the predetermined three-dimensional field (Figure 3a); virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a peripheral edge of the three-dimensional map (Figure 3a); projecting the predetermined viewpoint onto the three-dimensional map via a position of the cursor displayed on the map image; and detecting a point on the three-dimensional map where the projected viewpoint intersects the predetermined three-dimensional field; the predetermined three-dimensional field includes a plurality of areas, and the detecting step includes detecting which of the plurality of areas includes the detected point (Figures 3a and 4); the map data generating step includes generating map data to display an area on the map image, which corresponds to the detected area, on the display to be distinguishable from other areas (123a-123c)(Figure 3b); the predetermined three-dimensional field represents a ground surface (figure 3a and 4). See also, Figures 1-7b and columns 1-10.

Griffin et al. does not explicitly teach the limitations of generating cursor data to display a cursor on the displayed map image; controlling a position of the displayed cursor in accordance with an instruction from an operator; and

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determining the detected point as a position where the cursor specifies on the displayed map image. Itai et al., however, teaches an image processing method and system for video game comprising generating cursor data to display a cursor on the displayed map image (Figures 3 and 6); controlling a position of the displayed cursor in accordance with an instruction from an operator; and determining the detected point as a position where the cursor specifies on the displayed map image (Figures 10A-10C). See also, Figures 1-9 and columns 4-13. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Griffin et al.'s system and method for determining specified object position in three-dimensional space utilizing ray tracing and inverse ray tracing with Itai et al.'s cursor to come up with a faster 3D graphic generating system and process and provide more user friendly navigation interface for video game thus attracts more game players and increases profits.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

BN



Teresa Walberg  
Supervisory Patent Examiner  
Group 3700